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17 August 1990

ORIGINAL: ENGLISH

Forty-fifth session

REQUEST FOR THE INCLUSION OF A SUPPLEMENTARY ITEM IN THE AGENDA OF THE FORTY-FIFTH SESSION

OBSERVER STATUS FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN CONSIDERATION OF THE SPECIAL ROLE AND MANDATES CONFERRED UPON IT BY THE GENEVA CONVENTIONS OF 12 AUGUST 1949

Letter dated 16 August 1990 from the representatives of Algeria, Australia, Austria, Bahamas, Canada, Czechoslovakia, Egypt, Finland, Guatemala, Indonesia, Italy, Jordan, New Zealand, Nigeria, Philippines, Poland, Senegal, Uganda, Uruguay and Yugoslavia to the United Nations addressed to the Secretary-General

Upon instructions from our Governments, we are writing to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-fifth session of the General Assembly of a supplementary item entitled "Observer status for the International Committee of the Red Cross, in consideration of the special role and mandates conferred upon it by the Geneva Conventions of 12 August 1949".

In accordance with rule 20 of the rules of procedure, an explanatory memorandum (see annex) and a draft resolution (see appendix) are attached to the present letter.

(Signed) Hocine DJOUDI
Permanent Representative of
Algeria to the United Nations

(Signed) Thomas HAJNOCZI
Chargé d'affaires a.i. of the
Permanent Mission of Austria
to the United Nations

(Signed) Peter Stephen WILENSKI
Permanent Representative of Australia
to the United Nations

(Signed) A. Missouri SHERMAN-PETER
Chargé d'affaires a.i. of the
Commonwealth of the Bahamas to
the United Nations

best copy available

(Signed) L. Yves FORTIER
Permanent Representative of
Canada to the United Nations

(Signed) Mohamed Noman GALAL
Chargé d'affaires a.i. of the
Permanent Mission of Egypt
to the United Nations

(Signed) Rafael CASTELLANOS-CARRILLO
Chargé d'affaires a.i. of the
Permanent Mission of Guatemala
to the United Nations

(Signed) Vieri TRAXLER
Permanent Representative of
Italy to the United Nations

(Signed) Ibrahim A. GAMBARI
Permanent Representative of
Nigeria to the United Nations

(Signed) Saidou Nourou BA
Chargé d'affaires a.i. of
Senegal to the United Nations

(Signed) Dragoslav PEJIC
Permanent Representative of
Yugoslavia to the United Nations

(Signed) Abdullah SALAH
Permanent Representative of the
Hashemite Kingdom of Jordan to
the United Nations

(Signed) Eduard KUKAN
Permanent Representative of the Czech
and Slovak Republic to the United
Nations

(Signed) Marjatta RASI
Chargé d'affaires a.i. of the
Permanent Mission of Finland to the
United Nations

(Signed) Nana SUTRESNA
Permanent Representative of Indonesia
to the United Nations

(Signed) Hilary A. WILLBERG
Chargé d'affaires a.i. of the
Permanent Mission of New Zealand
to the United Nations

(Signed) Sedrey A. ORDOÑEZ
Permanent Representative of the
Philippines to the United Nations

(Signed) Ramiro PIRIZ-BALLON
Permanent Representative of Uruguay
to the United Nations

(Signed) Christopher KATSIGAZI
Chargé d'affaires a.i. of the
Permanent Mission of Uganda to the
United Nations

(Signed) Stanislaw PAWLAK
Permanent Representative of Poland
to the United Nations

ANNEX

Explanatory memorandum

1. The International Committee of the Red Cross (ICRC) is an independent humanitarian institution that was founded at Geneva, Switzerland, in 1863. In conformity with the mandate conferred on it by the international community of States through universally ratified international treaties, ICRC acts as a neutral intermediary to provide protection and assistance to the victims of international and non-international armed conflicts.

2. The four Geneva Conventions of 12 August 1949 for the protection of war victims, to which 166 States are party, and their two Additional Protocols of 1977 explicitly establish the role of the ICRC as a neutral and impartial humanitarian intermediary. The treaties of international humanitarian law thus assign duties to ICRC that are similar to those of a Protecting Power responsible for safeguarding the interests of a State at war, in that ICRC may act as a substitute for the Protecting Power within the meaning of the 1949 Geneva Conventions and 1977 Additional Protocol I. Moreover, the International Committee of the Red Cross has the same right of access as a Protecting Power to prisoners of war (the third Geneva Convention) and civilians covered by the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the fourth Geneva Convention). In addition to these specific tasks ICRC, as a neutral institution, has a right of initiative deriving from a provision common to the fourth Geneva Convention that entitles it to make any proposal it deems to be in the interest of the victims of the conflict.

3. The statutes of the International Red Cross and Red Crescent Movement, as adopted by the International Conference of the Red Cross and Red Crescent, in which the States parties to the Geneva Conventions take part, require ICRC to spread knowledge and increase understanding of international humanitarian law and promote the development thereof. The statutes also provide that ICRC shall uphold and make known the Movement's fundamental principles, namely, humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

4. It was at the initiative of ICRC that the original Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field was adopted by Governments in 1864. Ever since, ICRC has endeavoured to develop international humanitarian law to keep pace with the evolution of conflicts.

5. In order to fulfil the mandate conferred on it by international humanitarian law, the resolutions of the International Conference of the Red Cross and Red Crescent and the statutes of the Movement, ICRC has concluded with many States headquarters agreements governing the status of its delegations and their staff. In the course of its work, ICRC has concluded other agreements with States and intergovernmental organizations.

6. With an average of 590 delegates working in 48 delegations, ICRC was active in 1989 in nearly 90 countries in Africa, Asia, Europe, Latin America and the Middle East - including the countries covered from its various regional delegations - providing protection and assistance to the victims of armed conflicts by virtue of the Geneva Conventions and, with the agreement of the Governments concerned, to victims of internal disturbances and tension.

7. In the event of international armed conflict, the mandate of ICRC is to visit prisoners of war and civilians protected by the fourth Geneva Convention, in accordance with the provisions of the Geneva Conventions relative to the treatment of prisoners of war (third Convention), the Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Convention) and the Additional Protocol to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I). In situations of non-international armed conflict, ICRC bases its requests for access to persons deprived of their freedom on account of the conflict on article 3 common to the Geneva Conventions and on the Additional Protocol to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II).

8. In situations other than those covered by the Geneva Conventions and their Additional Protocols, ICRC may avail itself of its statutory right of initiative to propose to Governments that it be granted access to persons deprived of their freedom as a result of internal disturbances and tension.

9. The purpose of ICRC visits to persons deprived of their freedom is exclusively humanitarian: ICRC delegates observe the treatment afforded to prisoners, examine their material and psychological conditions of detention and, whenever necessary, request the authorities to take steps to improve the detainees' treatment and living conditions. ICRC never expresses an opinion on the grounds for detention. Its findings are recorded in confidential reports that are not intended for publication.

10. In the event of armed conflicts or internal disturbances, ICRC provides material and medical assistance, with the consents of the Governments concerned and on condition that it is allowed to assess the urgency of victims' needs on the spot, to carry out surveys in the field to identify the categories and the number of people requiring assistance and to organize and monitor relief distributions.

11. The activities of the Central Tracing Agency of ICRC are based on the institution's obligations under the Geneva Conventions to assist military and civilian victims of international armed conflicts and on its right of humanitarian initiative in other situations. The work of the Agency and its delegates in the field consists in collecting, recording, centralizing and, where appropriate, forwarding information concerning people entitled to ICRC assistance, such as prisoners of war, civilian internees, detainees, displaced persons and refugees. It also includes restoring contact between separated family members, essentially by means of family messages where normal means of communication do not exist or have been disrupted because of a conflict, tracing persons reported missing or whose families have no news of them, organizing family reunifications, transfers to safe places and repatriation operations.

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READEX FICHE

12. The tasks of ICRC and the United Nations increasingly complement one another and co-operation between the two institutions is closer, both in their field activities and in their efforts to enhance respect for international humanitarian law. In recent years, this has been seen in many operations to provide protection and assistance to the victims of conflict in all parts of the world.

13. ICRC and the United Nations have also co-operated closely on legal matters, with ICRC contributing to United Nations work in this field. This is also reflected in resolutions of the Security Council, the General Assembly and its subsidiary bodies and reports of the Secretary-General.

14. Participation of ICRC as an observer at the proceedings of the General Assembly would further enhance co-operation between the United Nations and ICRC and facilitate the work of ICRC.

APPENDIX

Draft resolution

Observer status for the International Committee of the Red Cross, in consideration of the special role and mandates conferred upon it by the Geneva Conventions of 12 August 1949

The General Assembly,

Recalling the mandates conferred upon the International Committee of the Red Cross by the Geneva Conventions of 12 August 1949,

Considering the special role carried on accordingly by the International Committee of the Red Cross in international humanitarian relations,

Desirous of promoting co-operation between the United Nations and the International Committee of the Red Cross,

1. Decides to invite the International Committee of the Red Cross to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. Requests the Secretary-General to take the necessary action to implement the present resolution.

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REQUEST FOR THE INCLUSION OF A SUPPLEMENTARY ITEM IN THE AGENDA OF THE FORTY-FIFTH SESSION

OBSERVER STATUS FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN CONSIDERATION OF THE SPECIAL ROLE AND MANDATES CONFERRED UPON IT BY THE GENEVA CONVENTIONS OF 12 AUGUST 1949

Letter dated 16 August 1990 from the representatives of Algeria, Australia, Austria, Bahamas, Canada, Czechoslovakia, Egypt, Finland, Guatemala, Indonesia, Italy, Jordan, New Zealand, Nigeria, Philippines, Poland, Senegal, Uganda, Uruguay and Yugoslavia to the United Nations addressed to the Secretary-General

Addendum

Add the following name to the list of signatories:

(Signed) Nitya PIBULSONGGRAM
Permanent Representative of
Thailand to the United Nations

UNITED
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General Assembly

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20 August 1990
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Forty-fifth session

REQUEST FOR THE INCLUSION OF A SUPPLEMENTARY ITEM IN THE AGENDA OF THE FORTY-FIFTH SESSION

TENTH ANNIVERSARY OF THE UNIVERSITY FOR PEACE

Letter dated 18 August 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to request, in conformity with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda for the forty-fifth session of the General Assembly of a supplementary item entitled "Tenth anniversary of the University for Peace".

The explanatory memorandum (see annex) included with this letter pursuant to rule 20 of the rules of procedure of the General Assembly indicates the reasons why the Government of Costa Rica deems it important to include this item, which it requests be allocated to the plenary.

(Signed) Emilia C. de BARISH
Ambassador
Chargé d'affaires a.i.

ANNEX

Explanatory memorandum

In 1980, the General Assembly adopted resolution 35/55, by which it established the University for Peace and provided that this international institution would through its academic work help to advance the efforts and aspirations of the world's peoples and Government in the search for non-violent alternatives in order to attain a better quality of life and sustainable development.

Ten years after its creation, in an ever more rapidly changing world, the University has become a presence in Central America and in other latitudes. The broadcasts of International Peace Radio and the productions of the Gandhi Television Centre demonstrate this. The institution has a regional centre in Yugoslavia. It is also taking steps to establish a Conflict Resolution Centre in Colombia.

The campus was the scene of the meeting and dialogue among the members of the National Reconciliation Committees of Central America, who in September 1989 called for a strengthening of actions in support of the peace process initiated by the Central American Presidents at the Esquipulas I and II summit meetings, as reiterated by the summit meetings held at San Isidro, Costa Rica, Costa del Sol, El Salvador, Antigua, Guatemala, Tela, Honduras and Montelimar, Nicaragua.

In the area of communication, the master's degree course has brought together students from different parts of the world. In the field of education, the primary focus is the establishment and development of a teaching programme at the master's level in "Education for Peace", aimed initially at the Central America and Panama region.

With respect to human rights and peace, a master's programme has been organized to train specialists drawn from various disciplines and professional activities whose task will be to promote, through scientific research, systematic knowledge of the rights in question and their broad dissemination and assimilation as essential educational values, the protection and safeguarding of human rights on the basis of a realistic approach to the situation in today's world.

The University for Peace begins this new decade, rising to the new challenges that are emerging as the twenty-first century approaches, guided by the words of article 2 of its Charter, "with a clear determination to provide humanity with an international institution of higher education for peace and with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate co-operation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations".